

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

HEIDI VANDERMAAS, Personal Representative
For the Estate of MARY MESSERSCHMIDT,
Deceased,

Plaintiff

vs

Case No: 11-118785-NO

Hon.: Rudy J. Nichols

SUNRISE ASSISTED LIVING,

Defendant

GEOFFREY N FIEGER (P30441)
PAUL W. BROSCAY (P36267)
Fieger, Fieger, Kenney, Johnson
& Giroux, PC
19390 W. Ten Mile Road
Southfield, MI 48075
(248) 355-5555

JONATHAN M. JAFFA (P23717)
Sullivan, Ward, Asher & Patton, P.C.
25800 Northwestern Highway
1000 Maccabees Center
P.O. Box 222
Southfield, MI 48075
(248) 746-0700

PETITION FOR REMOVAL TO FEDERAL COURT

NOW COMES the Petitioner, Sunrise Senior Living Management, Inc. (as "Sunrise Assisted Living" is not a legal entity), by and through its attorneys, SULLIVAN, WARD, ASHER & PATTON, P.C. and for its Petition for Removal from the Circuit Court for the County of Oakland, to this Court, pursuant to 28 USCA §§ 1332, 1441 and 1446, states as follows:

1. The above entitled action was commenced in the Circuit Court for the County of Oakland, State of Michigan, and is now pending therein under Case No: 11-118785-NO.
2. The action is a civil action sounding in negligence and allegedly arising out of an occurrence on or about September 9, 2009 when Plaintiff's decedent allegedly sustained an injury on the premises of Defendant's assisted

living facility after a social encounter with another resident (referenced as the “incident” in Plaintiff’s Complaint).

3. The action is one for which the United States District Courts are given original jurisdiction by reason of the diversity of the citizenship of the parties, in accordance with 28 USC Section 1332.
4. The amount in controversy in this action, exclusive of interest and costs, exceeds \$75,000.
5. Defendant was served with Plaintiff’s Complaint on or about April 29, 2011. Therefore the time for filing this Petition has not yet expired.
6. At the time of the commencement of this action and at the time of the filing of this Notice, based upon information and belief, Plaintiff was and still is a resident and citizen of the State of Michigan.
7. At the time of the commencement of this action and at the time of the filing of this Notice, Petitioner, Sunrise Senior Living Management, Inc. (incorrectly designated as “Sunrise Assisted Living” in the Complaint) was and still is a corporation which was and is duly incorporated, organized and existing under the laws of the State of Virginia with a principal place of business in the State of Virginia.
8. In light of the foregoing, the parties are diverse.
9. Because the United States District Court for the Eastern District of Michigan, Southern Division, has original jurisdiction in this matter, Petitioner is entitled to seek and obtain removal pursuant to 29 USC Section 1441.

10. Copies of all pleadings, process and orders served on Petitioner in this action are attached hereto and marked as **Exhibit A**.

WHEREFORE, Petitioner, Sunrise Senior Living Management, Inc. respectfully requests that the above entitled action be removed from the Circuit Court for the County of Oakland, State of Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division.

/s/Jonathan M. Jaffa
Sullivan, Ward, Asher & Patton, P.C.
P.O. Box 222
Southfield, MI 48037-0222
Phone: 248-746-0700
Primary E-mail: jjaffa@swappc.com
P23717

Dated: May 25, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on **May 25, 2011**, I electronically filed the forgoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically.

s/Jonathan M. Jaffa
Sullivan, Ward, Asher & Patton, P.C.
1000 Maccabees Center
25800 Northwestern Highway
Southfield, MI 48037-0222
Phone: 248-746-0700
Primary E-mail: jjaffa@swappc.com
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